

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ASATA D. LOWE,

Petitioner,

v.

No.: 3:11-cv-134  
(PHILLIPS/SHIRLEY)

BRUCE WESTBROOK, Warden,

Respondent.

**MEMORANDUM AND ORDER**

This *pro se* petition for the writ of habeas corpus under 28 U.S.C. § 2254 was filed *in forma pauperis* in the United States District Court for the Middle District of Tennessee, Nashville Division, and transferred to this Court. Petitioner was convicted in the Circuit Court for Blount County, Tennessee, of two counts of first degree premeditated murder and one count of especially aggravated robbery. He previously filed a § 2254 petition in this Court attacking the same convictions; the previous petition was denied on the merits. *Asata D. Lowe v. James Fortner, Warden*, Civil Action No. 3:08-cv-489 (E.D. Tenn. March 23, 2010) (Judgment Order).

In accordance with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), effective April 24, 1996, the petitioner cannot file a second or successive § 2254 petition in the district court until he has moved in the United States Court of Appeals for the

Sixth Circuit for an order authorizing the district court to consider the petition. This Court has not received an order from the Sixth Circuit authorizing the court to consider the pending petition. Accordingly, the Clerk is **DIRECTED** to transfer this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge